

REMARKS

This Reply and Amendment is intended to be completely responsive to the non-final Office Action. Claims 1-14, 18-28 and 48-58 are pending in the present Application. Claims 1-14, 18-28, 52-56 and 58 stand rejected. Claims 48-51 and 57 are objected to. Claims 1-2, 6-13, 18, 21, 24-25, 27, 48-49 and 52-56 have been amended. Claims 19-20, 51 and 57-58 have been canceled without prejudice to further prosecution on the merits in order to expedite issuance of allowable subject matter. The Applicants reserve the right to pursue patentability of the subject matter of the canceled claims in future related applications. New Claims 59-68 have been added to provide claims of varying scope.

Allowable Subject Matter

In Section 13 of the Detailed Action, the Examiner stated that "Claims 7-9, 11-13, 20-28 and 56 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims."

In Section 14 of the Detailed Action, the Examiner stated that "Claims 48-51 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

The Applicants thank the Examiner for the indication of allowable subject matter.

Claims 1-5, 48-50, 52-55

Dependent Claims 2-5, 48-50 and 52-55 depend from base independent Claim 1 (as amended). Independent Claim 1 has been amended to include the allowable subject matter based upon dependent Claim 48.

The Applicants respectfully request allowance of independent Claim 1 and dependent Claims 2-5, 48-50 and 52-55.

Claims 6-9

Dependent Claims 7-9 depend from base independent Claim 6 (as amended). Independent Claim 6 has been amended to recite “shells” as suggested by the Examiner and to include the allowable subject matter recited in dependent Claim 7. Dependent Claim 7 has been amended and dependent Claims 8-9 have been amended to depend from independent Claim 6 (as amended).

The Applicants respectfully request allowance of independent Claim 6 and dependent Claims 7-9.

Claims 10-14 and 56

Dependent Claims 11-14 and 56 depend from base independent Claim 10 (as amended). Independent Claim 10 has been amended to recite “shells” as suggested by the Examiner and to include the allowable subject matter of dependent Claim 11. Dependent Claim 11 has been amended and dependent Claims 12-13 have been amended to depend from independent Claim 10 (as amended).

The Applicants respectfully request allowance of independent Claim 10 and dependent Claims 12-14 and 56.

Claims 18-28

Dependent Claims 19-28 depend from base independent Claim 18 (as amended). Independent Claim 18 has been amended to include the allowable subject matter of dependent Claim 20 and intervening dependent Claim 19. Dependent Claims 19 and 20 have been canceled without prejudice and dependent Claims 21, 25 and 27 have been amended to depend from independent Claim 18 (as amended).

The Applicants respectfully request allowance of independent Claim 18 and dependent Claims 21-28.

Claim 51 and 60-63

Dependent Claim 51 depends from base independent Claim 1. New Independent Claim 59 has been added and is based on the allowable subject matter of original independent Claim 1 and dependent Claim 51. New dependent Claims 60-63 depend from new independent Claim 59 and have been added to provide claims of varying scope. Dependent Claim 51 has been canceled without prejudice.

The Applicants respectfully request allowance of new independent Claim 59 and new dependent Claims 60-63.

Claims 57 and 64-68

Dependent Claim 57 depends from base independent Claim 1. New Independent Claim 64 has been added and is based on the allowable subject matter of original independent Claim 1 and dependent Claim 57. New dependent Claims 65-68 depend from new independent Claim 64 and have been added to provide claims of varying scope. Dependent Claim 57 has been canceled without prejudice.

The Applicants respectfully request allowance of new independent Claim 64 and new dependent Claims 65-68.

Reasons for the Indication of Allowable Subject Matter

In Section 15 of the Detailed Action, the Examiner provided a “statement of reasons for the indication of allowable subject matter.”

While the Applicants agree that the allowable claims recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the reasoning of the Examiner. Moreover, the Applicants note that various other subject matter may be patentable for other reasons than those given by the

Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance in connection with the present Application or any other future proceeding.

Claim Rejections – 35 U.S.C. § 112 ¶ 2

Claims 6-14 and 56

In Section 7 of the Detailed Action the Examiner rejected Claims 6-14 and 56 under 35 U.S.C. § 112 ¶ 2. The Examiner stated that “it appears that the rack is intended to hold the shells during the manufacturing process rather than the tiles and to hold the tiles after the completion of the manufacturing process.”

Independent Claims 6 and 10 and dependent Claim 56 have been amended to recite “shells.” Accordingly, the Applicants believe that the rejection under 35 U.S.C. § 112 ¶ 2 has been overcome. As previously stated, independent Claims 6 and 10 have been amended to recite a combination of subject matter indicated by the Examiner to be allowable in order to expedite the issuance of allowable subject matter.

The Applicants respectfully request reconsideration and allowance of Claims 6-14 and 56.

Claims 18-28

In Section 8 of the Detailed Action, the Examiner rejected dependent Claims 20-28 under 35 U.S.C. § 112 ¶ 2. The Examiner stated he has “assumed that the manufactured shells are loaded on the plurality of racks at the remote facility and that the plurality of racks are employed through all of the manufacturing process.”

Dependent Claims 20-28 depend from independent Claim 18 (as amended). As previously stated, independent Claim 18 has been amended to recite a combination of subject matter indicated by the Examiner to be allowable including “loading the shells into a plurality of racks” in order to expedite the issuance of allowable subject matter. Accordingly, the

Applicants believe that the rejection under 35 U.S.C. § 112 ¶ 2 has been overcome.

The Applicants respectfully request reconsideration and allowance of Claims 18 and 21-28.

Claim Rejections – 35 U.S.C. § 102(b)

In Section 10 of the Detailed Action, the Examiner stated “Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by French Patent Publication No. FR-241315-A or U.S. Patent No. 3,603,052.”

Claim 1 (as amended) is in independent form and dependent Claim 5 depends from independent Claim 1 (as amended). As previously stated, independent Claim 1 has been amended to recite a combination of subject matter indicated by the Examiner to be allowable in order to expedite the issuance of allowable subject matter. Accordingly, the Applicants believe that the rejection under 35 U.S.C. § 102(b) has been overcome. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance of Claims 1 and 5 in connection with the present Application or any other future proceeding.

The Applicants respectfully request reconsideration and allowance of Claims 1 and 5.

Claim Rejections – 35 U.S.C. § 103(a)

In Section 12 of the Detailed Action, the Examiner stated “Claims 2-4, 6, 10, 14, 18, 19, 52-55 and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,229,051 (Martin) in view of either French Patent Publication No. FR-241315-A or U.S. Patent No. 3,603,052.”

Claim 1 (as amended) is in independent form and dependent Claims 2-4, 52-55 and 58 depend from independent Claim 1 (as amended). Claim 6 (as amended) is in independent form. Claim 10 (as amended) is in independent form and dependent Claim 14 depends from independent Claim 10 (as amended). Claim 18 (as amended) is in independent form and

dependent Claim 19 depends from independent Claim 18 (as amended).

As previously stated, independent Claims 1, 6, 10 and 18 have been amended to recite a combination of subject matter indicated by the Examiner to be allowable and independent Claim 58 has been canceled in order to expedite the issuance of allowable subject matter. Accordingly, the Applicants believe that the rejections under 35 U.S.C. § 103(a) have been overcome. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance of Claims 2-4, 6, 10, 14, 18, 19, 52-55 and 58 in connection with the present Application or any other future proceeding.

The Applicants respectfully request reconsideration and allowance of Claims 2-4, 6, 10, 14, 18 and 52-55.

New Claims

New independent Claim 59 has been added to recite a combination of subject matter indicated by the Examiner to be allowable. New dependent Claims 60-63 depend from new independent Claim 59 and are intended to provide claims of varying scope.

New independent Claim 64 has been added to recite a combination of subject matter indicated by the Examiner to be allowable. New dependent Claims 65-68 depend from new independent Claim 64 and are intended to provide claims of varying scope.

The Applicants respectfully request allowance of new Claims 59-68.

* * *

The Applicants respectfully submit that each and every outstanding objection and rejection to the pending claims has been overcome, and the Application is in condition for allowance. Claims 1-2, 6-13, 18, 21, 24-25, 27, 48-49 and 52-56 have been amended. Claims 19-20, 51 and 57-58 have been canceled without prejudice to further prosecution on the merits in order to expedite issuance of allowable subject matter. New Claims 59-68 have been added to provide claims of varying scope. The Applicants respectfully request reconsideration and allowance of Claims 1-14, 18, 21-28, 48-50, 52-56 and 59-68.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present Application.

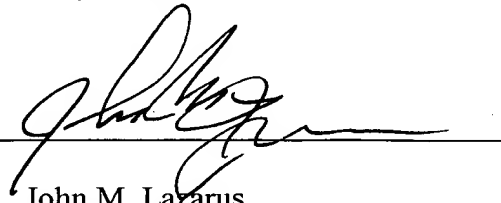
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted, the Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5591
Facsimile: (414) 297-4900

By



John M. Lazarus
Attorney for the Applicants
Registration No. 48,367